IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

LA.App..No. 1557 of 2005(D)

LAR NO.41/1994 OF SUB COURT, MAVELIKKARA

APPELLANT: RESPONDENT.

STATE OF KERALA, REPRESENTED BY THE
ADDITIONAL GOVERNMENT PLEADER, MAVELIKKARA.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI

RESPONDENT: CLAIMANT.

SADASIVAN PILLAI.S. KUTTIYILTHEKKATHIL,
KAPPILMEKKUMURI, KRISHNAPURAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

L.A.A.No.1557 of 2005

Dated, this the 11th day of December, 2007

JUDGMENT

State has filed this appeal challenging the decree and judgment passed by the court below in L.A.R.No.41/1994. An area of one are comprised in Sy.No.6663 of Krishnapuram Village was acquired for a public purpose. Land Acquisition Officer awarded compensation at the rate of Rs.9,094/- per are. Respondent filed an application under Section 18 of the Land Acquisition Act to refer the matter to the Subordinate Judge's Court. Learned Sub Judge relying on Ext.A1 judgment rendered by him in L.A.R.No.585/1993 awarded enhancement in the compensation holding that the judgment rendered in that case had become final and conclusive. Challenging the judgment and decree this appeal is filed.

2. It is brought to my notice that the State had filed L.A.A.No.518/2000 challenging the decree and judgment passed in L.A.R. No.585/1993 before this Court and this Court on 20.11.2003 set aside the decree and judgment and remanded the matter for fresh disposal. It is also brought to my notice that after remand L.A.R.No.585/1993 was disposed of on 21.12.2004. Since Ext.A1 judgment was set aside it is only just and proper that the impugned judgment and decree are also be set aside and the matter remanded to the trial court for fresh disposal in accordance with law.

In the result, appeal is allowed. The Decree and judgment passed in L.A.R.

No.41/1994 are hereby set aside. Case is remanded to trial court for fresh disposal in accordance with law after affording both sides an opportunity to adduce further evidence, if so advised. Parties are directed to appear before the trial court on 18.1.2008.

I.A.No.4216/2005 will stand dismissed.

K. PADMANABHAN NAIR,
JUDGE.

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